

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

Minutes  
10/11 July 2003  
457th Regular Meeting  
Cal/EPA Building  
Central Valley Auditorium  
1001 I Street  
Sacramento, CA 95814

**THURSDAY, 10 July 2003**

**BOARD MEMBERS PRESENT**

Robert Schneider, Chair, Karl Longley, Vice Chair, Mark Salvaggio, Alson Brizard, Christopher Cabaldon, Robert Fong, Cher Kablanow, Beverly Alves, Members

**STAFF PRESENT**

Tom Pinkos, Ken Landau, Jack DelConte, Bill Marshall, Bill Croyle, Patricia Leary, Wendy Wyels, Joe Karkoski, Les Grober, Rudy Schnagl, Molly White, Shakoora Azimi-Gaylon, Kelly Briggs, Janice Tanaka; Frances McChesney, Lori Okun and Catherine George, Staff Counsels

**OTHERS PRESENT**

Jim Staker, San Luis Canal Co.  
Tony Francois, California Farm Bureau  
Gilbert Ramos, Colusa County RCD  
Steven Proe, El Dorado Co.  
Randy Houk, Columbia Canal Co.  
John Hewitt, California Farm Bureau  
Nicole Griffin  
Chris White, Central CA Irrigation Dist.  
James O'Banion, Central CA Irrigation District  
Edwin Cordeiro  
Joe Petersen, San Joaquin Farm Bureau  
Jerry O'Banion  
Norman Crow, West Stanislaus Resource  
Conservation District  
Tony Bertao, San Luis Canal Co.  
Andrea Fitanides, SYR Citizens League  
Kelly Jo Locke, Pikalok Farming  
Jack Threlkeld, San Luis Canal Co.  
Feleena Sutton  
Diane Rathmann  
San Joaquin Valley Drainage Authority  
Arthur Feinstein, Audubon-California  
Alisha Deen, Environmental Justice Coalition for  
Water  
Gei Griset, Griset Farms  
Michelle Upton, NCWA  
Dr. G. Fredlee  
Tony Melillo

Alfred Gamboni, Gamboni Farming Co.  
Arnold Freitas  
Joe Silva  
Gary Sack, CA Farm Bureau  
James Nickel, Nickel Family LLC  
Alan Driscoll, Farsgren Associates  
Joan Vargas  
Don Wright  
Anthony Neves  
Kathy Brunetti, DPR  
Marshall Lee, DPR  
Glen Brank, DPR  
Estie Manchik, Environmental Advocates  
John Garner, Garner Farms  
Danielle Fugere, Citizen  
Heather Hardwick, Environmental Advocates  
Jennifer Kung, Public Citizen  
Lauren Ercole, Center for Environmental Health  
Amy Hui, Environmental Justice Coalition for  
Water  
Sarah Farina, Environmental Justice Coalition  
for Water  
David Moore  
James Arelas  
Louis McMenezes  
David Santos  
Arcadio Mancera  
Sheri Mancera

Mari Locke Martin, DT Locke Ranch, Inc.  
 John Toscano  
 Molly Thacker, San Luis Canal Co.  
 George Foster, CCID  
 Joann Toscano  
 Ron Hand  
 Renee Sharp, Environmental Working Group  
 Michael Lozeau, Earth Justice  
 David Cory, San Joaquin River Exchange  
 Contractors  
 David Guy, NCWA  
 Alex Hildebrand, SDWA  
 Chuck Hahn, Assemblyman Dave Cogdill  
 Sara Miller, CPHA  
 Aldo Sansoni, Delta Farms  
 Missy Lockie, Shasta Co. Farm Bureau  
 Jaimee Wood, Butte Co. Farm Bureau  
 Kimbra Ellsworth  
 Leo O'Brien, San Francisco Bay Keeper  
 Chuck March, Lake Co. Farm Bureau  
 Tiffany Bock, Dr. Lori Warner  
 Kari Morgan  
 Debra Liebersbach, Turlock Irrigation District  
 Christine Turner, Placer Co.  
 Steve Beckley, Plant Health Assoc.  
 Tim Johnson, CA Rice Commission  
 Diane Park, Concerned Citizen Coalition of  
 Stockton  
 James Nickel, Nickel Family, LLC  
 Jim Klihns, San Francisco Water Keepers  
 Robert Laubeugayer, Delta Fly Fishers  
 Dr. Henry Clark  
 Arcadio Mancera  
 Alex Hilderbrand  
 Sheri Mancera  
 Alan Wade, S.A.R.A.  
 Louis Menezes, Louis M. Realty  
 Frank Auilera, Pachee Walnuts  
 Sam Patford  
 David Santos  
 Bob Williams  
 Carmen Rey, Lideves Campesinas  
 Marcie Hernandez, Lideres Campesinas  
 Paulina Peral Vega, Lideres Campesinas  
 Sergio, Lideres Campesinas  
 Perla Salpa, Lideres Campesinas  
 Elizabeth Burns  
 Tanya Skinner, SJR Farming  
 Thomas Clay Skinner, SJR Farming  
 Linda Sheehan, The Ocean Company  
 Leo O'Brian  
 Zeke Grader, Pacific Coast Federation  
 Bill Jennings  
 David Orth  
 Tim Johnson, CA Rice Commission  
 Bill Thomas, Ag Coalition

Joseph McGahan, Westside San Joaquin River  
 Watershed Group  
 John Meek Jr., San Joaquin Co. Resource  
 Allen Short, San Joaquin River Tributaries  
 Bill Beckon, US Fish & Wildlife Service  
 Al Vargas, CA Dept. of Food & Agric.  
 Christine Turner, Placer County  
 Gail Delihant, Assemblyman Aghazaria  
 Mike Wackman, Congressman Pombo  
 Chuck Hahn, Assemblyman Dave Cogdill  
 Rocio Alvarez, Congressman Cardoza  
 Mike Applegarth, Assemblyman Tim Leslie  
 Rick Landon, Yolo Co. Ag Department  
 Paul Helliker Director, DPR  
 Michelle Lyman, CA Coastkeeper Alliance  
 Craig McArthur, Northeastern CA Water Assoc.  
 Sarah Newkirk  
 John Currey, Dixon Resource Conservation  
 District  
 Elaine Archibald, CA Urban Water Agencies  
 Chuck Dudley, Yolo Co. Land Owner  
 Michelle Lyman, CA Coastkeeper Alliance  
 Lisa M. Holm, Contra Costa Water District  
 Sara Miller, CPHA  
 Debra Liebersbach, Turlock Irrigation District  
 Reggie Hill, Lower San Joaquin Levee District  
 Susan Kegley, Pesticide Action Network  
 Steve Chedester, San Joaquin River Exchange  
 Contractor Water Authority  
 Lynda Smith, Metropolitan Water District  
 Steven Orme, Pesticide Action Network  
 Wendy Johnston, CFBF  
 Jaimee Wood, Butte County Farm Bureau  
 Noelle Cremers, CA Cattleman's Association  
 John Herrick, So. Delta Water Agency  
 Leo Caseria  
 Drev Hunt  
 Kari Morgan  
 Valerie Zentner, El Dorado Co. Farm Bureau  
 David Bolland, Association of CA Water  
 Agencies  
 Steve Beckley, CA Plant Health Assoc.  
 Luke Tonachel  
 Gina Solomon, MD, Natural Resources Defense  
 Council  
 Robert Laubengayer, Delta Fly Fisheries  
 John Garner  
 Eric Davis, Planning & Conservation League  
 Felenna Sutton, Roman Candle Communication  
 Ed Tomano, Glenn County Surface Water  
 Erica Moyer, Lodi District Grape Growers  
 Assoc.  
 George Labar  
 James O'Bannion, SJREC  
 Chris Leininger

Dr. Henry Clark, Environmental Justice Water Coalition  
 Steven Prof, El Dorado Co. Tax payers  
 David Beckman, NRDC  
 Brent Newell, Center on Race Poverty and the Environment  
 Lois Borba  
 Larry Domenighini, Glenn County Farm Bureau  
 Cori Traub  
 Marsha Mather-Thrift, Bluewater Network  
 Bill Allayaud, Sierra Club California  
 David Kuettel, NAPA Valley  
 Tiffany Bock, Lori Warner  
 Dave Wagner, Delta Keeper  
 Kimbra Ellsworth  
 Mark Christopher, Friends of the River  
 Paola Ramos, Latino Issues Forum  
 Anjanette Martin, Farmer/Watershed Group  
 Sara Hilbrich  
 Shana Lazerow  
 Kate Benoit, Environmental Advocates  
 Jennifer Jackson, Save the Bay  
 Lea Francisco, Center for Environmental Health  
 Jim Kuhns, Water Keepers  
 David Stuart, S.F. Baykeeper  
 Adel Nadjj  
 Neeraj Chugh  
 Kevin Chapin, Public Citizen  
 Alisha Deen, Environmental Justice Coalition for Water  
 Caryn Mandelbaum, Center on Race, Poverty & Environment  
 Diana Schwyzer, Center for Environmental Health  
 Teresa DeAnda, CA for Pesticide Reform  
 Linda Mackay, Central CA Env. Justice Network  
 Sejal Choksi, Clean Farms Clean Water Coalition  
 Michael Stanley-Jones, Clean Water Action  
 Sujatha Jahagirdar, Environment California  
 David Nesmith, Environmental Water Caucus  
 Nancy Price, Alliance for Democracy  
 Viera Swearingen, Shasta/Tehama Sub-Watersheds  
 Dr. Laurie Gage  
 Lauren Ayers  
 Jennifer Spaletta, Various Districts in San Joaquin County  
 Tacy Currey, Solano Resource Conservation District

David Lucas  
 Mike Falasco, Wine Institute  
 Paul Kronenberg, Family Winemakers of California  
 Dan Hinrichs, El Dorado County Winery Assoc.  
 Bob Chrobak, Kennedy/Jenks Consultants  
 Ed Yates, California League of Food Processors  
 James English, English Farms  
 John Hunter, Vino Noceto  
 Darlene Ruiz, Vino Noceto  
 Ed Ramano, Glenn County Surface Water Stewardship  
 Larry Amarante, Amarante Farming  
 Brian Gorospe, Delano Kids  
 Nicholas DeAnda, Comite Bienestar de Earlimart  
 Edelmira Alcazar, Comite Earlimart  
 Esther Vasquez, El Comite Park El Bienestar de Earlimart  
 Marissa DeAnda, Comite Earlimart  
 Sarah Vasquez, Comite Bienestar Earlimart  
 Silas Shawver, Communities for Better Environment  
 Deborah Self  
 Mark Quisenberry, Sutter County  
 Frank Lima, Farmer and Bec Keeper  
 Daniel Burns, San Joaquin Ranch  
 Frank Peluso  
 Marjorie Blackwell, Golden Gate Audubon Society  
 Gail Delihant, Assemblyman Agazarian  
 Amedis Sotelo, Latino Issues Forum  
 Richard Price, Butte County Sub-Basin Water Quality Work Group  
 Jonathan Kaplan, NRDC  
 Cannon Micheal, Bowles Farming  
 Olen Zirkle  
 Alan Levihe, Coast Action Group  
 Missy Lockie, Shasta Co. Farm Bureau  
 Don McEnhill  
 Gary Bobber, The Bay Institute  
 Yurl Lippincott, Lippincott Development Co.  
 Eric Warnken, Farm Bureau  
 Dan Epangler  
 Henry Mello  
 Keith Petterson  
 Ryan Broderick  
 Dan Ballter  
 Doug LaMafa, Assemblyman

## **BOARD MEMBER COMMUNICATIONS**

Chairman Schneider reported that he had attended the recent Chairs meeting at which the budget situation was discussed.

## **EXECUTIVE OFFICERS REPORT**

Tom Pinkos reported that he and Catherine George had met with Senator Ashburn regarding compliance problems at Kern Ridge Growers. A memo summarizing the meeting is being prepared.

## **OTHER BUSINESS**

**The Board met in closed session to discuss ongoing litigation.**

**The April 24, 2003 minutes were approved as written.**

**Discharges from Irrigated Lands, Conditional Waiver of Waste Discharge Requirements (Resolution No. R5-2002-0201, Resolution No. R5-2002-0228) - Consideration of Rescission of 5 December 2002 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands in order to resolve allegations of bias, conflict of interest and procedural irregularities.**

Board Member Beverly Alves did not participate and did not sit with the Board for this item. Bill Croyle presented the staff report. Additional testimony was presented by Lori Okun, Counsel, SWRCB, Doug LaMalfa, Bill Jennings, Mike Lozeau, David Cory, David Guy, Bill Thomas, Chuck Hahn, Al Sansonne, Alan Levine, Kelly Locke, Arthur Feinstein, Christine Turner, Ameris Surfellow, Jim Staker, Dr. Himen Clark, Jerry O'Banion, Linda Sheehan, Norman Crow, Steven Proe, John McEnroe, Robert Bobbingheim, Jonathan Kaplan, Brent Newell, Tony Francois, and Diane Bart.

MOTION                      By Mr. Cabaldon, seconded by Mr. Fong to adopt the proposed resolution. Unanimously approved.

**Discharges from Irrigated Lands, Conditional Waiver of Waste Discharge Requirements (Resolution No. R5-2002-0201, Resolution No. R5-2002-0228) Continuance of the 24 April 2003 Board Meeting – Consideration of Alternatives to Regulation of Discharges from Irrigated Lands, including continuing the use of, adoption of revisions to, or rescission of the Conditional Waiver, or directing staff to take related actions**

Board Member Beverly Alves did not participate and did not sit with the Board for this item. Bill Croyle, Kelly Briggs and Shakoora Azimi-Gaylon presented the staff report. Additional testimony was presented by Frances McChesney, Counsel, SWRCB, Tom Howard, Mike Wakeman, Gail Delihant, Paul Helliker, Rick Laudon, Christine Turner, Al Vargas, Richard Price, Jerry O'Banion, David Guy, Ryan Broderick, Bill Beckon, Allen Short, John Meek, Joe McGahan, David Cory, David Orth, Bill Thomas, Tony Francois, Tim Johnson, Dante John Nomellini, Mike Lozeau, Bill Jennings, David Beckman, Zeke Grader, Jonathon Kaplan, Leo O'Brien, Sue Jatha Hagadar, and Linda Sheehan

This item was continued to Friday, July 11, 2003.

## **FRIDAY, 11 July 2003**

## **BOARD MEMBER COMMUNICATIONS**

Ms. Kablanow, Mr. Longley, Mr. Salvaggio, and Mr. Brizard acknowledged receipt of the "Duck Award" from unknown parties, which alleged that they had "ducked" their responsibilities to protect water quality from agricultural wastes. Ms. Kablanow and Mr. Longley stated that they had never "ducked" their responsibilities and gave their awards to Bill Jennings. Mr. Salvaggio and Mr. Brizard kept their awards, stating that the awards would not impact their votes in any manner.

## **UNCONTESTED CALENDAR**

**City of Ione, Wastewater Treatment Plant, Amador County - Consideration of Cease and Desist Order**

A public hearing was held. No one appeared to contest the proposed order.

**R5-2003-0108**                      MOTION:              Mr. Salvaggio, seconded by Mr. Longley to approve the proposed Cease and Desist Order. Unanimously approved by role call vote with Mr. Cabaldon absent.

#### **Uncontested NPDES Permits**

**R5-2003-0109**    Department of Corrections, Deuel Vocational Institution, San Joaquin County  
**R5-2003-0110**    City of Portola, Wastewater Treatment Plant, Plumas County

A public hearing was held. No one appeared to contest the proposed orders.

MOTION:              Mr. Longley, seconded by Mr. Brizard to approve the proposed orders. Unanimously approved with Mr. Cabaldon absent.

#### **Uncontested Rescissions**

Gotland Oil, Inc., Johnson Lease, Semitropic Oil Field, Kern County  
Gotland Oil, Inc., USL Lease, Semitropic Oil Field, Kern County  
Stagno's Meat Company, Slaughterhouse and Covered Pens, San Joaquin County

A public hearing was held. No one appeared to contest the proposed order.

**R5-2003-0111**                      MOTION:              Mr. Longley, seconded by Mr. Salvaggio to approve the proposed order. Unanimously approved with Mr. Cabaldon absent.

#### **Uncontested Change of Name and/or Ownership**

John Van Curen, Fruit Concentrate Plant, Madera County  
Daniel Souza, Recycling Project, Fresno County  
Timeless Investments dba E-Z Trip, E-Z Trip, Fresno County  
Sierra Cedar Products, Yuba County

A public hearing was held. No one appeared to contest the proposed order.

**R5-2003-0112**                      MOTION:              Mr. Salvaggio, seconded by Mr. Brizard to approve the proposed order. Unanimously approved with Mr. Cabaldon absent.

#### **Uncontested Waste Discharge Requirements**

**R5-2003-0113**    Solano Concrete Company, Inc., Madison Plant, Yolo County  
**R5-2003-0114**    County of Tulare, Exeter Solid Waste Landfill, Tulare County  
**R5-2003-0115**    County of Tulare, Teapot Dome Solid Waste Landfill, Tulare County  
**R5-2002-0116**    Teichert Aggregates, Perkins Plant, Sacramento County  
**R5-2003-0117**    U.S. Army Corps of Engineers, Port of Sacramento, Sacramento Deep Water Ship Channel Maintenance Dredging Activities Channel Mile 0.0 to 43.4, Contra Costa, Sacramento, Solano and Yolo Counties  
**R5-2003-0118**    Norcal Waste Systems Hay Road Landfill, Incorporated, Hay Road Landfill, Class II & III Landfills, Class II Waste Pile and Class II Land Treatment Unit, Operation, Closure, Post-Closure Maintenance, and Corrective Action, Solano County  
**R5-2003-0119**    East Bay Municipal Utility District, Pardee Center Wastewater Treatment Facility, Calaveras County

- R5-2003-0120** Lincoln Center Environmental Remediation Trust, In Situ Groundwater Remediation Pilot Study, San Joaquin County  
**R5-2003-0121** Sportsman Yacht Club Inc., Sportsman Yacht Club Harbor, Contra Costa

A public hearing was held. No one appeared to contest the proposed order.

MOTION: Mr. Longley, seconded by Mr. Brizard to approve the proposed orders. Unanimously approved with Mr. Cabaldon absent.

## **OTHER BUSINESS**

### **Discharges from Irrigated Lands, Conditional Waiver of Waste Discharge Requirements (continued)**

Additional testimony was presented by Michele Lyman, Elaine Archibald, Chris White, Jim Staker, Noel Kramers, John Herrick, Kerry Morgan, Valerie Zentner, David Bolland, Steve Beckley, Eric Davis, John Hewitt, Chris Leininger, Gilbert Ramos, Lauren Ayres, Jennifer Spillet, G. Fred Lee, and Jack DelConte.

DIRECTION by Mr. Schneider, concurred by Mr. Longley, that the Executive Officer request a budget change order for additional staff for the agricultural waiver program or the reallocation of funds, such as cleanup and abatement funds; and request the State Board to explore legislation for fees on waivers and possibly rules for cost recovery based on acreage; and explore options of contracting with outside entities for staff support.

MOTION by Mr. Salvaggio, second by Mr. Longley: on the intent to direct staff to prepare an EIR and 10 year plan (Motion adopted without a Resolution). Adopted by vote of 7 to 0; Ms Alves not participating.

MOTION by Mr. Schneider, second (support) by Mr. Fong, to approve, subject to a motion on the details, a six month waiver, to be open by January 31 with re-opener based upon the valuation of general orders, that is, what that program would look like and the terms of long-term funding. Adopted by a vote of 5 ayes, Mr. Salvaggio, no; Ms. Kablanow abstaining; Mrs Alves not participating.

MOTION by Mr. Brizard, second by Mr. Salvaggio, second second by Mr. Longley, to reconsider the previous motion by Mr. Schneider. Adopted by a vote of 5 ayes, Mr. Fong, no; Mrs Alves not participating.

**R5-2003-0103** MOTION by Mr. Longley, second by Mr. Brizard: Approval of CEQA resolution. Adopted by vote of 6 to 0, Mr. Cabaldon abstaining; Ms Alves not participating.

**R5-2003-0105** MOTION by Mr. Longley, second by Mr. Salvaggio: adopt the staffs' proposed Irrigated Lands Waiver Resolution, with Attachments, and the Monitoring and Reporting Programs, with Attachments, including the late revisions (Revision 2) recommended by staff with the following revisions:  
The Executive Officer shall create two model "Notices of Intent", one will be for Coalition Groups and one for individual Dischargers.

Revise Attachment B, Section B.1.a. as follows:

"The NOI shall be submitted in a format as approved by the Executive Officer."

Revise Attachment C, Section B.1.a as follows:

"The NOI shall be submitted in a format as approved by the Executive Officer."

Add the following revision to Attachment D regarding Individual Dischargers of the Coalition Group: "who has knowingly elected to participate in the Watershed [*Coalition*] Group,"

Add to the Resolution two new clauses as follows:

"The Regional Board directs the Executive Officer to advise the Regional Board on the development of a technical advisory committee with respect to monitoring and reporting requirements that includes appropriate interested persons and report its conclusions to the Regional Board."

“The Regional Board directs the Executive Officer to bring back for consideration at the January 2004 Regional Board meeting this Waiver for termination or other revisions as appropriate.”  
Adopted by vote of 5 to 2, Mr. Fong and Mr. Cabaldon voting “no”; Mrs Alves not participating.

**MOTION by Mr. Schneider, second by Mr. Brizard:** Direct staff to bring back to the January 2004 Board meeting, the issues of funding and general orders and possible implementation strategy. Passed by vote of 7 to 0; Mrs Alves not participating

## Small Food Processors, Including Wineries, in the Central Valley Region – *Consideration of a Conditional Waiver*

**General WDRs Order No. R5-2003-0029, On-Site Storage and Off-Site Disposal of Wastewater Generated by Small Wineries Within the Central Valley Region – *Consideration of Rescission***

A public hearing was held. Wendy Wyels presented the staff report. Additional testimony was given by Mike Falasco, David Lucas, Paul Kronenberg, Dan Henricks, Bob Krobak, Ed Yates, and John Hunter.

<b>R5-2003-0107</b>	MOTION	By Mr. Longley, seconded by Ms. Kablanow to approve the proposed order. Unanimously approved.
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**County of Sacramento, Western Groundwater Operable Unit, Sacramento County – *Consideration of a Cleanup and Abatement Order***

**County of Sacramento, Inactive Rancho Cordova Test Site, Sacramento County - *Consideration of a Cleanup and Abatement Order***

These two items were removed from the July agenda.

**The meeting was adjourned to the September 4/5 2003 regular meeting.**